



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al  
Title: REPLICATION-COMPETENT HERPES SIMPLEX  
VIRUS MEDIATES DESTRUCTION OF NEOPLASTIC  
CELLS  
Appl. No.: 10/788,410  
Filing Date: 03/01/2004  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed May 19, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

☐ Declaration and Power of Attorney (\_\_\_ pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

☒ Return Copy of Notice to File Missing Parts

☐ Translation

☐ Drawings

☐ Preliminary Amendment

- ☐ Claim for Convention Priority and certified copy of priority documents
- ☐ Information Disclosure Statement
- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- 
- ☐ Extension for response filed within the first month
- ☐ Extension for response filed within the second month
- ☐ Extension for response filed within the third month
- ☐ Extension for response filed within the fourth month
- ☐ Extension for response filed within the fifth month
- ☐ Other:

The filing fee is calculated below:

	Claims as Filed		Included in Basic Fee		Extra Claims		Rate		Fee Totals
Basic Fee							\$770.00		\$770.00
Total	15	-	20	=	0	x	\$18.00	=	\$0.00
Claims:									
Independents:	7	-	3	=	4	x	\$86.00	=	\$344.00
If any Multiple Dependent Claim(s) present:						+	\$290.00	=	\$0.00
Surcharge under 37 CFR 1.16(e) for late payment of filing fee						+	\$130.00	=	\$130.00
							SUBTOTAL:	=	\$1,244.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):								=	\$622.00
							TOTAL FILING FEE:	=	\$622.00
							TOTAL FEE	=	\$622.00
Difference to pay:						-	\$0.00	-	\$622.00

☒ Check in the amount of \$622.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

☐ Please charge Deposit Account No. 19-0741 in the amount of \$622.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 19 July 2004

By S. A. Bent

FOLEY & LARDNER LLP  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/788,410	03/01/2004	Robert L. Martuza	066683-0198

22428  
FQLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007



CONFIRMATION NO. 4953

## FORMALITIES LETTER



\*OC000000012710710\*

Date Mailed: 05/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$172 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$622 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$172

07/20/2004 EFLORES 00000072 10788410

01 FC:2001	385.00 OP
02 FC:2201	172.00 OP
03 FC:2051	65.00 OP

- \$172 for 4 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

T.C. Vli  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE